



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,247	09/03/2003	Kazuhiro Itagaki	1018775-000875	2827

21839 7590 12/23/2010
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

CRUZ, IRIANA

ART UNIT	PAPER NUMBER
----------	--------------

2625

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

12/23/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com
offserv@bipc.com

Office Action Summary	Application No. 10/653,247	Applicant(s) ITAGAKI, KAZUHIRO	
	Examiner IRIANA CRUZ	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9 and 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/13/2010 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 3-7, 9, 11-18 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendments.

3. Applicant argues that the combination of Sugawara'848 and Sakao'068 fails to describe the claimed limitations. Examiner respectfully disagrees. Examiner would like to point out that the new limitations amended to the claims can be interpreted very broad because of the use of OR on the claim. Reading the paragraphs where the support for the amendments can be found examiner understands where the direction on the claims is going but how the OR is used on the claims, being interpreted in the most broad logical way possible makes the claim broader than what is being shown on the paragraphs given from the applications specification. For example, in claim 1 its claimed "describes in a transmission management report a previously sent transmission or transmissions on which the confirmation of receipt had been received when the

Art Unit: 2625

transmission management report is issued...” and this is understood as either a previously sent transmission OR transmissions on which the confirmation of receipt had been received, therefore just by rejecting one or the other this claim limitations can be rejected. Further amendments to clarify claim limitation would help overcome this rejection. See new rejection below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claim 1, 3-7, 9, 11-18** are rejected under 35 U.S.C. 102(b) as being anticipated by Sugawara (US 2002/0019848 A1).

Regarding **Claim 1**, Sugawara'848 shows a data transmission apparatus (**i.e., image communication apparatus. See Paragraphs 8**) comprising: a sender which sends an e-mail and a request for a return-confirmation of receipt of the e-mail to a destination (**i.e., an email is sent requesting an email/confirmation of receipt. See Paragraphs 8 and 69 also See also Figures 26 “confirmation required”**); a receiver which receives the confirmation of receipt from the destination (**i.e., a confirmation email can be sent and received. See Paragraphs 8, 72 and 93-97**); and a controller which issues a transmission management report periodically, describing a result of previously sent transmission for a plurality of transmissions in the transmission management report (**i.e., communication management report for a plurality of**

users and transmissions is created and sent. See Paragraphs 203-213 and also see Figure 1, elements 1-5-3 and Figure 19 and 26), wherein said controller describes in the transmission management report (a) a previously sent transmission or transmissions on which the confirmation of receipt had been received when the transmission management report is issued **(i.e., transmission already sent is shown in the management report. See Paragraphs 245-247 also See Figure 26 where transmissions with a result OK has being previously sent),** (b) a previously sent transmission or transmissions on which the confirmation of receipt had not been received and a predetermined wait time had not elapsed when the transmission management report is issued **(i.e., transmission sent where when an elapsed time passed and if no confirmation of receipt I received an “unreceived” is shown in the report while if no time has elapsed then a mark of uncertain is shown. See Paragraphs 126-130 and 245-247 also see Figure 26)** and (c) a previously sent transmission or transmissions which was described in the preceding transmission management report and on which the confirmation of receipt had not been received and a predetermined wait time had not elapsed when the preceding transmission management report is issued **(i.e., while no reception of confirmation the report will keep showing that transmission as waiting for an answer of confirmation reception. See Paragraphs 126-130 and 245-247 also see Figures 19 and 26).**

Regarding **Claim 3**, Sugawara'848 shows a data transmission apparatus wherein said controller describes in the transmission management report that a result of transmission is uncertain for (b) the previously sent transmission or transmissions on

Art Unit: 2625

which the confirmation of receipt had not been received and a predetermined wait time had not elapsed when the transmission management report is issued **(i.e., the confirmation/report described the status of the transmissions. See Paragraphs 111-118, 203-216 and 245-247).**

Regarding **Claim 4**, Sugawara'848 shows a data transmission apparatus wherein said controller describes in the transmission management report the previously sent transmission or transmissions on which a last transmission management report stated that the result of transmission is uncertain **(i.e., See Figure 26, confirmation required with a “o”)**.

Regarding **Claim 5**, Sugawara'848 shows a data transmission apparatus wherein said controller describes in the transmission management report that the result of transmission is certain if the result of transmission becomes certain when the transmission management report is issued, for (c) the previously sent transmission or transmissions which was described in the preceding transmission management report and on which the confirmation of receipt had not been received and a predetermined wait time had not elapsed when the preceding transmission management report is issued **(i.e., transmission sent where when an elapsed time passed and if no confirmation of receipt I received an “unreceived” is shown in the report while if no time has elapsed then a mark of uncertain is shown. See Paragraphs 126-130 and 245-247 also see Figure 26).**

Regarding **Claim 6**, Sugawara'848 shows a data transmission apparatus wherein the request for a confirmation of receipt is based on Message Distribution Notification (i.e., **See Figure 3-4 and paragraphs 6 and 69**).

With regards to method **Claim 7**, the limitation of the claim 7 are corrected by limitation of claim 1 above. The steps of claim 7 read into the function step of claim 1.

With regards to method **Claim 9**, the limitation of the claim 9 are corrected by limitation of claim 3 above. The steps of claim 9 read into the function step of claim 3.

With regards to method **Claim 11**, the limitation of the claim 11 are corrected by limitation of claim 5 above. The steps of claim 11 read into the function step of claim 5.

With regards to method **Claim 12**, the limitation of the claim 12 are corrected by limitation of claim 6 above. The steps of claim 12 read into the function step of claim 6.

Regarding **Claim 13**, *** shows a data transmission apparatus wherein the transmission management report is issued when the number of previously sent transmissions reaches a predetermined value (i.e., **report issuing can be set by the user, it also can be sent for when every transmission has a reach a predetermined value in different aspects like when the confirmation is set to be a specific value, where also could be by how many NO. has been received or not received. See Paragraphs 126-130, 160-173, 197-199**).

With regards to method **Claim 14**, the limitation of the claim 14 are corrected by limitation of claim 13 above. The steps of claim 14 read into the function step of claim 13.

Regarding **Claim 15**, Sugawara'848 shows a data transmission apparatus, wherein the transmission management report includes results of confirmations of receipt for previously sent transmissions that have been designated as delivered or undelivered since a previous transmission management report (**i.e., See Figure 26**).

Regarding **Claim 16**, Sugawara'848 shows a data transmission apparatus wherein the transmission management report is issued when a predetermined time elapses (**i.e., when the elapsed time expires transmission reports are sent. See Paragraphs 124-130**).

With regards to method **Claim 17**, the limitation of the claim 17 are corrected by limitation of claim 16 above. The steps of claim 17 read into the function step of claim 16.

With regards to method **Claim 18**, the limitation of the claim 18 are corrected by limitation of claim 1 above. The steps of claim 18 read into the function step of claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IRIANA CRUZ whose telephone number is (571)270-3246. The examiner can normally be reached on Monday-Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Y. Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

Iriana Cruz
Examiner
Art Unit 2625

December 17, 2010
/I. C./
Examiner, Art Unit 2625